

# Frankfurt Kurnit Klein + Selz <sup>PC</sup>

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## **VIA ECF**

Magistrate Judge Joseph A. Marutollo  
United States District Court  
Eastern District of New York  
Theodore Roosevelt United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *New York Road Runners, Inc., v. New York City Runs, Inc.*,  
Case No.: 1:24-cv-01231 (JAM)

Dear Hon. Marutollo:

Pursuant to this Court's April 9, 2024 Minute Entry, Plaintiff New York Road Runners, Inc. ("NYRR") and Defendant New York City Runs, Inc. ("NYCRuns") respectfully submit the following as the parties' first joint status report outlining the current status of discovery.

Confidentiality Order. On April 25, the Court entered the parties' Confidentiality Order [ECF Doc. No. 15].

ESI Protocol. On May 9, the Court entered the parties' Stipulated Order Regarding Electronically Stored Information [ECF Doc. No. 17].

Exchange of Written Discovery. NYRR served its First Set of Interrogatories and First Set of Requests for Production of Documents on April 26, and NYCRuns served its responses and objections on May 28. NYCRuns served its First Set of Interrogatories and First Set of Requests for Production of Documents on May 7, and NYRR served its responses and objections on June 6. NYCRuns served its Second Set of Interrogatories on May 28 and NYRR will serve its responses and objections by June 27.

Production of Documents. The parties have not started producing documents as they just completed exchanging first requests for the production of documents and interrogatories, and responses to the same. The parties intend to meet and confer regarding outstanding discovery issues in the next two weeks.

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Settlement Conference. Pursuant to this Court's April 9, 2024 Minute Entry, NYRR and NYCRuns also write to inform the Court that the parties have decided not to proceed with a settlement conference before Your Honor. The parties have discussed and intend to pursue private mediation.

We thank the Court for its time and attention to this matter.

/s/ Richard Brown  
Richard H. Brown

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